

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow claims 11; 13-15, 18, 27, 30, 31 and 34, the only claims pending and currently under examination in this application.

Formal Matters:

For the sole purpose of expediting prosecution, Claims 11, 27 and 31 have been amended to specify that the transcriptionally active gene is about 1000 bp or less from one of the P-element recognized insertion sequences. Applicant reserve the right to prosecute the subject matter covered by these claims in another continuation application.

Support for this amendment is found at page 6, lines 11 to 25 of the specification, which read:

In the subject vectors, the pair of P element encoded transposase recognized insertion sequences (i.e. P feet) flank at least one transcriptionally active gene that is in approximation to, i.e., is sufficiently close to or sufficiently proximal to, at least one of the P feet so as to provide for the desired genomic integration. By at least one is meant one or more, usually no more than five, and more usually no more than four, where the number of transcriptionally active genes in the vector is often one, two, or three, where only one of the transcriptionally active genes need be sufficiently proximal to the P foot. By in approximation to, i.e., sufficiently close or proximal to, is meant that the transcriptionally active gene is located at a distance from one of the flanking P-feet that typically is less than about 7000 bp and often less than about 6,000; 5,000; 4,000; 3,000; or 2,000 bp, where in many embodiments the distance separating the transcriptionally active gene from the P foot does not exceed about 1,000 bp. In certain embodiments, the exogenous nucleic acid that is inserted into the genome of a whole animal in the subject methods, described in greater detail *infra*, is one of the transcriptionally active genes of the vectors.

As such, the above amendment introduces no new matter to the application and its entry by the Examiner is respectfully requested.

Claims 11, 13-15, 18, 27, 30, 31 and 34 remain rejected under 35 U.S.C. § 112, first paragraph on the basis that the specification allegedly does not enable a person skilled in the art to which it pertains, or which it is most closely connected, to make and use the claimed invention commensurate in scope with the claims because a size between the P-element sequence and the transcriptionally active gene has not been provided in the claims. While the Examiner suggests a distance of 50 bp, based on the Applicants' reading of the specification and examples, and in view of the excerpted portion of the specification provided above, the Applicants suggest that the size of "about 1000bp or less" is fully enabled by the specification.

In view of the above amendment to the claims, it is believed that this rejection may be withdrawn.

CONCLUSION


Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number TOSK-007CON.

Respectfully submitted,

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Date: June 12, 2007

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